

condemnation of 40 boxes of dried figs, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped on or about October 20, 1931, by the California Packing Corporation, from Alameda, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairmont Brand Adriatic Figs Packed for Tacoma Grocery Co., Tacoma, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 28, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19229. Adulteration and misbranding of canned tomatoes. U. S. v. 22 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25460. I. S. No. 4974. S. No. 3666.)

Samples of canned tomatoes from the shipment herein described having been found to contain added cyclone juice, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned tomatoes at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., from Federalsburg, Md., on or about August 26, 1930, and had been transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes * * * Tomatoes Packed for W. E. Robinson & Co., Belair, Md. [Cut of red, ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that tomato puree, pulp, or juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes" and the design of red, ripe tomatoes, appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19230. Misbranding of canned tomato juice. U. S. v. 570 Cases of Canned Tomato Juice. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27329. I. S. No. 38917. S. No. 5506.)

Samples of canned tomato juice from the shipment herein described having been found to be short of the volume declared on the container, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 570 cases of canned tomato juice, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped on or about October 17, 1931, by Edgar F. Hurff, from Swedesboro, N. J., and had been transported in interstate commerce from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hatchet Brand Pure Tomato Juice * * * Contents 1 Pint 3 Fl. Oz. * * * The Twitchell-Champlin Co., Distributors, Portland, Maine, and Boston, Mass."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 1 Pint 3 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-

ther reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 7, 1931, the Twitchell-Champlin Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. It was further ordered by the court that the containers be relabeled, under the supervision of this department, with a correct statement of the quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19231. Adulteration and misbranding of tomato catsup. U. S. v. 114 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27247. I. S. No. 42112. S. No. 5419.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., on or about October 31, 1931, into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ribbon Brand Tomato Catsup Guaranteed Pure and to Comply with all U. S. Food Laws. * * * Distributed by Frey & Son Inc., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in large part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "Guaranteed Pure and to comply with all U. S. Food Laws," was false and misleading and deceived and misled the purchaser.

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19232. Adulteration of butter. U. S. v. Fifty-two 32-Pound Boxes, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 27886, 27887. I. S. Nos. 41026, 44920. S. Nos. 5592, 5628.)

Samples of butter from shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On December 3 and December 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one hundred and eleven 32-pound boxes and 52 pounds of butter, remaining in the original and unbroken packages at Duluth, Minn., alleging that the article had been shipped, in part on or about November 10, 1931, and in part on or about November 18, 1931, by the Aneta Creamery & Produce Co., from Aneta, N. Dak., and had been transported in interstate commerce from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On December 7 and December 11, 1931, Aneta Creamery & Produce Co., claimant, having appeared and filed answers to the libels, judgments of condemnation were entered, and it was ordered by the court that the product be delivered to claimant for reworking, under the supervision of this department,